EXHIBIT E

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Case 1:08-cv-07416-JSR Document 262 Filed 12/02/11 Page 1 of 2

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: REFCO SECURITIES L	ITIGATION	: 07 MDL 1902 (JSR) :
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is a	Plaintiffs,	
-against-		ECF Filed
ROBERT AARON, et al.,	Defendants.	REQUEST FOR ENTRY OF DEFAULT AND CLERK'S CERTIFICATION
TO: CLERK OF THE COUR UNITED STATES DIST	and the second s	www.X

Please enter a default on the above-referenced dockets and execute a certificate of default for Third-Party Defendant Christopher Sugrue, pursuant to Local Civil Rule 55.1 and Federal Rule of Civil Procedure 55(a), for Third-Party Defendant's failure to plead or otherwise defend the above-captioned action, as fully appears from the court file herein and from the attached declaration of B. John Pendleton, Jr..

Dated: Florham Park, New Jersey December 1, 2011

SOUTHERN DISTRICT OF NEW YORK

Respectfully submitted, DLA PIPER LLP (US)

By: s/B. John Pendleton, Jr.
B. John Pendleton, Jr.
300 Campus Drive, Suite 100
Florham Park, New Jersey 07932
Telephone: 973-520-2561
Facsimile: 973-520-2581
john.pendleton@dlapiper.com
Attorneys for Defendants/Third Party
Plaintiffs Derivative Portfolio Management,
LLC, Derivative Portfolio Management, Ltd,
DPM-Mellon, LLC, DPM-Mellon, Ltd. and
Guy Castranova

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: REFCO SECURITIES L		X : 07 MDL 1902 (JSR) :
This Document R		·-A
KENNETH M. KRYS, et al.		X : Case No. 08-ev-7416 (JSR)
	Plaintiffs,	:
-against-		ECF Filed
ROBERT AARON, et al.,		:
	Defendants.	CLERK'S CERTIFICATION
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I, Ruby J. Krajick, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that this third-party action against Third-Party Defendant Christopher Sugrue was commenced on August 15, 2011. I further certify that Defendants'/Third-Party Plaintiffs' Amended Answer and Third-Party Complaint was served on defendant Christopher Sugrue, by electronic mail (pursuant to Substitute Service Order executed by Special Master Hedges on October 6, 2011) and that proof of service thereon was filed on November 3, 2011.

I further certify that the docket entries indicate that Third-Party Defendant Christopher Sugrue has not filed an answer or otherwise moved with respect to the Third-Party Complaint Case 1:08-cv-07416-JSR Document 275-7 Filed 12/29/11 Page 5 of 20 Case 1:08-cv-07416-JSR Document 262-1 Filed 12/02/11 Page 2 of 2

herein. The default of the aforementioned third-party defendant is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York December ____, 2011

> RUBY J. KRAJICK Clerk of the Court

By: _____

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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IN RE: REFCO SECURITIES LIT		: 07 MDL 1902 (JSR) : -X
This Document Rel	ates To:	
KENNETH M. KRYS, et al.		X : Case No. 08-cv-7416 (JSR)
-against-	Plaintiffs,	ECF Filed
ROBERT AARON, et al.,	Defendants.	DECLARATION OF B. JOHN PENDLETON, JR. IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT AND CLERK'S CERTIFICATE
		X

- B. John Pendleton, Jr. declares as follows:
- 1. I am a partner at the law firm of DLA Piper LLP (US), counsel for Defendants/Third-Party Plaintiffs Derivative Portfolio Management, LLC, Derivative Portfolio Management, Ltd, DPM-Mellon, LLC, DPM-Mellon, Ltd. and Guy Castranova in the above-captioned action, and admitted to practice before this Court. I have personal knowledge of the matters set forth herein. I respectfully submit this declaration in support of Defendants'/Third-Party Plaintiffs' Request for Entry of Default and Clerk's Certificate of Default.
- On August 15, 2011 Defendants/Third-Party Plaintiffs filed an Amended Answer,
 Affirmative Defenses, Counterclaims and Third-Party Complaint.

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Case 1:08-cv-07416-JSR Document 263 Filed 12/02/11 Page 2 of 2

3. On October 7, 2011, this Court entered an Order authorizing service of Summons and Complaint on Third-Party Defendant Christopher Sugrue via international courier and electronic mail, pursuant to Federal Rule of Civil Procedure. 4(f)(3). A true and accurate copy is annexed hereto as Exhibit A.

- 4. On November 3, 2011 Defendants/Third-Party Plaintiffs filed an Affidavit of Service of Summons and Complaint upon Third-Party Defendant Christopher Sugrue. A true and accurate copy is annexed hereto as **Exhibit B**. The affidavit of service stated that Mr. Sugrue was served via email on October 11, 2011, giving him twenty days to answer, move or otherwise respond, or until November 1, 2011.
- 5. Third-Party Defendant Christopher Sugrue has neither answered, moved, nor otherwise responded to the Third-Party Complaint.
- 6. Jurisdiction was properly obtained over Third-Party Defendant Christopher Sugrue by serving him with a copy of the Amended Answer, Affirmative Defenses, Counterclaim and Third-Party Complaint via e-mail. See Exhibit B.
- 7. Third-Party Defendant Sugrue is not an infant, in the military, or an incompetent person.
 - 8. I declare under the penalty of perjury that the foregoing is true and correct.

WHEREFORE, Defendants/Third-Party Plaintiffs respectfully request that the Clerk of this Court enter the default by Third-Party Defendant Sugrue and issue a certificate for default of said third-party defendant.

Dated: December 1, 2011

B.JOHN PENDLETON, JR.

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Case 1:08-cv-07416-JSR Document 263-1 Filed 12/02/11 Page 1 of 2

EXHIBITA

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: REFCO SECURITIES LIT		07 MDL 1902 (JSR)
KENNETH M. KRYS, et al.	Plaintiffs,	(08 Civ. 7416 (JSR)
-against-	rianiuns,	ORDER AUTHORIZING SERVICE OF SUMMONS AND COMPLAINT ON DEFENDANT
ROBERT AARON, et al.,	Defendants.	CHRISTOPHER SUGRUE PURSUANT TO FED. R. CIV. P 4(f)(3)

Upon the application of Defendants/Third Party Plaintiffs Derivatives Portfolio Management, Ltd., DPM-Mellon, LtC, DPM-Mellon, Ltd., and Guy Castranova (collectively, the "DPM Defendants") for an order authorizing substitute service of the summons and complaint in this action on defendant Christopher Sugrue pursuant to Fed. R. Civ. P. 4(f)(3):

IT IS HEREBY ORDERED that DPM Defendants may serve Mr. Sugrue by international courtier service at Av. Amilar Cabral No 110-2, Ed. Sonangol Distribuidora, Luanda, Angola and by electronic mail at chris.sugrue@yahoo.com.sg; and it is

FURTHER ORDERED that DPM Defendants shall serve Mr. Sugrue with a signed copy of this order along with the summons and complaint.

Dated: Hackensack, NU Oct. C . 2011

Hon. Ronald J. Hedges, Special Master

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EXHIBITB

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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IN RE: REFCO SECURITIES	LITIGATION		07 MDL 1902 (JSR)
KENNETH M. KRYS, et al.		· · · · X	08 Civ. 7416 (JSR)
-against-	A scalibility		AFFIDAVIT OF SERVICE
ROBERT AARON, et al.,	Defendants.	: : : :	
STATE OF NEW JERSEY COUNTY OF MORRIS)) ss.:)		

Andrew O. Bunn, being duly sworn, deposes and says:

- I am not a party to the above-captioned actions, am over 18 years of age and reside in Short Hills, New Jersey.
- 2. On October 6, 2011, Hon. Ronald J. Hedges, Special Master, entered an order authorizing substitute service of the summons and complaint in this action on third-party defendant Christopher Sugrue pursuant to Fed. R. Civ. P. 4(f)(3) (the "October 6, 2011 Order"). A true and accurate copy of that order is attached as Exhibit A.

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- 3. Pursuant to the terms of the October 6, 2011 Order, on October 11, 2011, I caused to be served on Mr. Sugrue true and accurate copies of the following documents by Federal Express at Av. Amiliar Cabral No 110-2, Ed. Sonangol Distribuidora, Luanda, Angola: (i) a cover letter; (ii) the first amended complaint commencing litigation in the Superior Court of New Jersey, Camden County, dated April 15, 2008; (iii) the amended answer, affirmative defenses, counterclaims, and third-party complaint, dated August 15, 2011; (iv) the federal summons naming Mr. Sugrue as a third-party defendant, dated August 15, 2011; and (v) the October 6, 2011 Order (collectively, the "Documents for Service").
- 4. The Documents for Service did not reach their destination by Federal Express, as the tracking results indicate that delivery was not successful by that method. A true and accurate copy of the Federal Express tracking report is attached as Exhibit B.
- 5. Pursuant to the terms of the October 6, 2011 Order, on October 11, 2011, I also caused true and accurate copies of the Documents for Service to be served on Mr. Sugrue by electronic mail at chris.sugrue@yahoo.com.sg. A true and accurate copy of that electronic mail message is attached as Exhibit C.
- 6. I did not receive any subsequent electronic mail messages indicating that chris.sugrue@vahoo.com.sg is not a valid electronic mail address or that the October 11, 2011 electronic message was otherwise undeliverable.

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Sworn to before me this 3rd day of November, 2011

Notary Public

DENICE **D. CHRISTIAN**A Notary Public of New Jersey
No. 2358370
My Commission Expires April 9, 2012

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EXHIBIT A

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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FIGATION	: 07 MDL 1902 (JSR)
· · · · · · · · · · · · · · · · · · ·	(: 08 Civ. 7416 (JSR)
Plaintiffs,	ORDER AUTHORIZING SERVICE OF SUMMONS AND COMPLAINT ON DEFENDANT
Defendants.	CHRISTOPHER SUGRUE PURSUANT TO FED. R. CIV. P. 4(f)(3)
	Plaintiffs.

Upon the application of Defendants/Third Party Plaintiffs Derivatives Portfolio Management, Ltd., DPM-Mellon, LtC, DPM-Mellon, LtC, DPM-Mellon, Ltd., and Guy Castranova (collectively, the "DPM Defendants") for an order authorizing substitute service of the summons and complaint in this action on defendant. Christopher Sugrue pursuant to Fed. R. Civ. P. 4(f)(3):

IT IS HEREBY ORDERED that DPM Defendants may serve Mr. Sugrue by international courtier service at Av. Amilar Cabral No 110-2, Ed. Sonangol Distribuidora, Luanda, Angola and by electronic mail at chris.sugrue@yahoo.com.sg; and it is

FURTHER ORDERED that DPM Defendants shall serve Mr. Sugrue with a signed copy of this order along with the summons and complaint.

Honolulu, Hy Dated: Hackensock, NV Oct. 6, 2011

Hon Ronald J. Hedges, Special Master

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EXHBIT B

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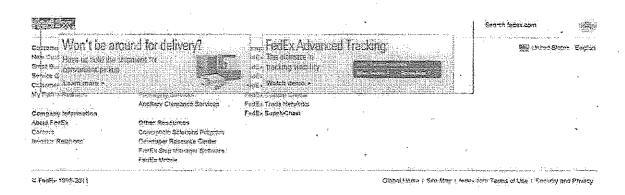
Page 1 of 2

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EXHIBIT C

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Marino, Steven

From:

Bunn, Andrew

Sent:

Tuesday, October 11, 2011 3:23 PM

To:

chris.sugrue@yahoo.com.sg

Cc:

Pendleton, John; Gummer, Katie; Trimarco, Gina; Marino, Steveń;

'whrefcokrysall@wilmerhale.com'; 'Ron Hedges'; 'Daniel Capra'

Subject:

Krys, et al. v. Aaron, et al., 08 Civ. 7416(JSR)

Attachments: Christopher Sugrue Summons pdf; First Amended Complaint pdf; Amended Answer, Affirmative

Defenses, Counterclaims, and Third-Party Complaint pdf; Substitute Service Order for

Sugrue.pdf, Letter to Sugrue.pdf

Dear Mr. Sugrue:

On behalf of Third Party Plaintiffs in the above-referenced litigation, I attach the following: (1) a cover letter, (2) the first amended complaint, (3) first amended answer, affirmative defenses, counterclaims, and third-party complaint, (4) summons; and (5) order directing substituted service.



Andrew O. Bunn Partner DLA Piper LLP (US) 300 Campus Drive, Suite 100 Florham Park, New Jersey 07932-1039

T 973.520.2562 F 973.520.2582 M 718.772.4610 andrew burn@dlaciner.com www.dlapiper.com | Bio